

COMMUNITY AFFAIRS

DIVISION OF CODES AND STANDARDS

Uniform Construction Code

Rehabilitation Subcode

Proposed Amendments: N.J.A.C. 5:23-6.5, 6.6, 6.7, 6.8, 6.9 and 6.31

Authorized by: Susan Bass Levin, Commissioner, Department of Community Affairs

Authority: N.J.S.A. 52:27D-124.

Proposal Number: PRN 2004-

Calendar: See Summary below for explanation of exception to calendar requirement.

Submit written comments by: November 19, 2004 to:

Michael L. Ticktin, Esq.
Chief, Legislative Analysis
Department of Community Affairs
PO Box 802
Trenton, NJ 08625-0802
Fax Number: (609) 633-6729

**Susan Bass Levin,
Commissioner**

The agency proposal follows:

Summary

The proposed amendments to N.J.A.C. 5:23-6.4, 6.5, 6.6, 6.7, 6.8, 6.9 and 6.31 are to incorporate the annual code changes made to the Rehabilitation Subcode for the State of New Jersey. This proposal will: 1) delete the requirement for the installation of a drip pan under a water heater that is being replaced; 2) require all swimming pools, spas and hot tubs to be enclosed with a code compliant swimming pool barrier when 50 percent or more of an existing barrier is being replaced; 3) delete the requirement for photoelectric smoke detectors that are located closer than five feet to a kitchen or bathroom; 4) add references to new building elements for several sections of the International Residential Code/2000 because it is the adopted model code for one- and two-family dwellings; 5) add the requirement for a “Mercantile Group M” being converted to an “Assembly Group A-2 other than Nightclubs” in an unlimited area building; 6) add the requirement that when a building is reclassified as a post-earthquake shelter, the building must comply with the seismic design requirements; 7) delete section 906.2 (Fire Department Connections: Connections) of the International Building Code in the materials and methods section and add 906.1 (Fire Department Connections: Required) of the International Building Code as section 906.2 was the incorrect section number; and 8) delete section 1613 (Earthquake Loads Definitions) of the International Building Code in the materials and methods section and add 1614 (Earthquake Loads – General) of the International Building Code as section 1613 was the incorrect section number.

As the Department has provided a 60-day comment period on this notice of proposal, this notice is exempted from the rulemaking calendar requirement, pursuant to N.J.A.C. 1:30-3.3(a)5.

Social Impact

The proposed amendments will have a positive social impact by further refining the Rehabilitation Subcode, which will make the requirements for work in existing building clearer and more readily understandable.

Economic Impact

The proposed amendments are expected to have little or no economic impact. Since its adoption in 1998, the Rehabilitation Subcode has had a highly positive economic impact on the construction industry. These amendments are clarification and the Department does not foresee them to have an impact.

Federal Standards Statement

No Federal standards analysis is required because these amendments are not being proposed in order to implement, comply with, or participate in any program established under Federal law or under a State law that incorporates or refers to Federal law, standards, or requirements.

Jobs Impact

Because these amendments provide clarifications of requirements and references, the Department does not anticipate that any jobs will be created or lost as a result of these proposed amendments.

Agriculture Industry Impact

The Department does not anticipate that the proposed amendments would have an impact on the agricultural industry.

Regulatory Flexibility Statement

Because the administrative structure of the Uniform Construction Code is not changed, the proposed amendments would not impose any recordkeeping, or reporting requirements, or compliance burdens on “small businesses,” as defined by the New Jersey Regulatory Flexibility Act, N.J.S.A. 52:14B-16 et seq.

Smart Growth Impact

Because these amendments provide clearer references but do not impact new requirements, the Department does not expect that these proposed rules would have any impact upon either achievement of "smart growth" or implementation of the State Development and Redevelopment Plan.

Full text of the proposal follows (additions indicated in boldface **thus**; deletions indicated in brackets [thus]):

5:23-6.5 Renovations

(a) – (g) (No change.)

(h) All materials and methods used shall comply with the building, plumbing, fire protection, mechanical, electrical and barrier free subcodes as specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. – 2. (No change.)

3. When the work being performed on a barrier around a swimming pool, spa, or hot tub exceeds 50 percent of the total perimeter of the barrier, the entire barrier shall comply with the requirements of section 3109.9 of the building subcode.

5:23-6.6 Alterations

(a) – (h) (No change.)

(i) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. – 2. (No change.)

3. When the work being performed on a barrier around a swimming pool, spa, or hot tub exceeds 50 percent of the total perimeter of the barrier, the entire barrier shall comply with the requirements of section 3109.9 of the building subcode.

(k) (No change.)

5:23-6.7 Reconstruction

(a) – (f) (No change.)

(g) All materials and methods used shall comply with the requirements specified in N.J.A.C. 5:23-6.8, Materials and methods.

1. – 3. (No change.)

4. When the work being performed on a barrier around a swimming pool, spa, or hot tub exceeds 50 percent of the total perimeter of the barrier, the entire barrier shall comply with the requirements of section 3109.9 of the building subcode.

(h) – (k) (No change.)

5:23-6.8 Materials and methods

(a) (No change.)

(b) Building and Fire Protection Materials and Methods: The following sections of the building subcode (N.J.A.C. 5:23-3.14) shall constitute the building and fire protection materials and methods requirement for this subchapter:

1. – 3. (No change.)

4. All of Chapter 9 entitled "Fire Protection Systems" except 901, 902, 903.2, 904.2, 905.3, [906.1]**906.2**, 908.1, 908.2, 910.2, 911;

[i. In buildings of Groups R and I-1, smoke detectors that are located closer than five feet to a kitchen or bathroom area shall be of photoelectric type only;]

5. – 8. (No change.)

9. All of Chapter 16 entitled "Structural Design," except 1601, 1604, 1608, 1609, 1610, 1611, 1612, [1613]**1614**, shall apply to new or replaced structural members. The referenced sections of Chapter 16 shall not be used to analyze any existing structural members, except as otherwise provided by this subcode;

10. – 19. (No change.)

(c) Plumbing Materials and Methods: The following sections of the plumbing subcode (N.J.A.C. 5:23-3.15) shall constitute the plumbing material and method requirements for this subchapter:

1. – 8. (No change.)

9. Chapter 10 entitled "Water Supply and Distribution" except for sections 10.3, 10.6.5, 10.8.1, [and] 10.14 **and 10.15.9**:

i. – iv. (No change.)

10. – 16. (No change.)

(d) – (j) (No change.)

5:23-6.9 New building elements

(a) When the rehabilitation of an existing building creates or includes any building element of a type listed in this section, then the new element shall comply with the requirements for such an element established by this section.

1. The installation of a floor system which did not previously exist, shall be constructed utilizing the live load requirements as specified in Section 1607 of the building subcode, **or with Section R301.4 of the one- and two-family dwelling subcode, as applicable.**

2. When the number of stories in a building is increased without increasing the height of the building, the building shall comply with the story requirements of Table 503 of the building subcode.

i. Buildings of group R-5 shall comply with N.J.A.C. 5:23-3.21(c)3i of the one- and two-family dwelling subcode.

3. – 4. (No change.)

5. Newly created door openings shall comply with Section 1003.3.1.1 of the building subcode. Additionally, newly created door openings in walls which are fire-resistance rated shall comply with Section 714 of the building subcode.

i. Newly created exit doors in building of Group R-5 shall comply with Section R311.3 of the one- and two-family dwelling subcode.

6. Newly created openings in fire resistance rated assemblies shall be protected in accordance with Section 711 of the building subcode, **or with Section R321.3 of the one- and two-family dwelling subcode, as applicable.**

7. (No change.)

8. Newly created exit stairways shall comply with Section 1005.3 of the building subcode, **or with Sections R314.1, R314.2, R314.3, R314.4, R314.5, R314.6 and R314.9 of the one- and two-family dwelling subcode , as applicable .**

9. – 19. (No change.)

20. Newly created tenant separation, dwelling unit separation and guestroom separation assemblies shall comply with the requirements of Section 708 of the building subcode, as appropriate, based on the construction type of the existing building, **or with Section R321 of the one- and two- family dwelling subcode, as applicable.**

21. – 22. (No change.)

23. Newly created stairs not required for purposes of egress shall comply with Sections 1003.3.3.2, 1003.3.3.11 and 1003.2.12, and Section and 1003.3.3.3, as amended at N.J.A.C. 5:23-3.14, of the building subcode, **or with Sections R314.1, R314.2, R314.3, R314.4, R314.5, R314.6 and R314.9 of the one- and two-family dwelling subcode, as applicable.**

24. (No change.)

5:23-6.31 Change of use

(a) – (d) (No change.)

(e) Height and Area Limitation: The following height and area limitations apply in a change of use.

1. – 3. (No change.)

4. [Change of use of an unlimited area building shall comply with the provisions of] **In an unlimited area building, when a change of use is made to a higher hazard category as shown in Table E above, the building or portion thereof is required to comply with** Section 507 of the building subcode for the proposed **new** use.

(f) – (h) (No change.)

(i) Single and Multiple Station Smoke Detectors: When a change of use is made to any of the following groups, single and multiple station smoke detectors shall be installed in accordance with Section 907.2.10 of the building subcode. [Smoke detectors that are located closer than five feet to a kitchen or bathroom area shall be of the photoelectric type only.]

1. – 3. (No change.)

(j) (No change.)

(k) Structural Requirements: The following structural requirements shall apply in changes of use:

1. – 2. (No change.)

3. When a [change of use results in a] building [being] **is** reclassified into one of the following occupancies, the building shall comply with the seismic design requirements of Section 1613 through 1617 of the building Subcode: Fire, rescue and police station; Use Group I-2 having surgery or emergency treatment facilities; emergency preparedness centers; post-earthquake recovery vehicle garages; **post-earthquake shelters**; power-generating stations and other utilities required as emergency backup facilities; primary communication facilities; highly toxic materials as defined by Section 307 of the building Subcode where the quantity of material exceeds the exempt amount as per Section 307.9 of the building Subcode.

(l) – (p) (No change.)